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RUEHCG/AMCONSUL CHENNAI PRIORITY 9747
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C O N F I D E N T I A L SECTION 01 OF 05 COLOMBO 001135

SIPDIS

DEPARTMENT FOR SCA/INSB

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SUBJECT: SRI LANKA: A/S BLAKE FINDS SITUATION IMPROVED BUT PROBLEMS REMAIN

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Classified By: AMBASSADOR PATRICIA A. BUTENIS. REASONS: 1.4 (B, D)

1. (C) SUMMARY AND COMMENT: During a December 8-10 visit, Assistant Secretary Blake found progress on humanitarian issues but also much that remained to be done. The IDP situation had greatly improved, with about three-fifths of the IDPs returned home or resettled, freedom of movement allowed for those still in the camps, and plans by the government to return all IDPs by the end of January. In meetings with top government, opposition, and civil society leaders, A/S Blake stressed the importance of concrete steps towards national reconciliation and accountability for crimes committed during the war, and a free and fair democratic process in the recently announced January 26 presidential elections. Interlocutors told Blake that progress on human rights had been mixed: extrajudicial killings and disappearances had dropped substantially, but threats to journalists remained significant. GSL leaders said they were preparing to release imprisoned journalist Tissainayagam on bail and were considering a pardon. The president and his inner circle told A/S Blake they would soon announce relaxation of the Emergency Regulations, which curtailed many individual rights during the war. Little has been done on accountability for crimes committed during the war. In short, progress has been made, but the U.S. needs to stay engaged and to be patient as the GSL and opposition work through the elections and beyond. A/S Blake undertook to work with the Tamil diaspora to encourage them to do their part to help provide livelihood and opportunities for the 300,000 Tamils of the north who must rebuild their lives after 30 years of LTTE occupation and neglect. END SUMMARY AND COMMENT.

HOMECOMING

2. (C) On December 8-10, Assistant Secretary for South and

Central Asian Affairs Robert Blake traveled to Sri Lanka, his first visit back to the island since departing in May after three years as ambassador. During the visit, A/S Blake toured the Manik Farm camp for internally displaced persons (IDPs) and traveled to Mannar to talk with returnees and to visit a demining site (reported septel). A/S Blake met with several senior government officials, including President Mahinda Rajapaksa, Foreign Minister Rohitha Bogollagama, Defense Secretary Gotabhaya Rajapaksa (septel), Special Presidential Advisor Basil Rajapaksa, and Minister of Justice Milinda Moragoda. He held meetings with senior opposition figures, including probable united-opposition candidate General Sarith Fonseka, Tamil National Alliance leader R. Sampanthan, UNP deputy head Karu Jayasuriya, UNP number-three Ravi Kurnanaya, SLFP(M) head Mangala Samaraweera, and DPF head Mano Ganesham. A/S Blake also had a meeting with the UN, ICRC, and chiefs of diplomatic missions and another with pro-government and opposition-leaning civic activists on the issue of human rights and national reconciliation. The AmCham and Embassy co-sponsored a roundtable discussion with business leaders and economists on development in the war-torn regions of the north and east (septel). He held a press conference on the afternoon before departing. The following summary reports of those meetings are organized by major themes that emerged during the visit, not by individual meetings.

PRESIDENTIAL ELECTIONS

13. (C) Top on the agenda for most interlocutors was the recently announced presidential election scheduled for January 26. A/S Blake throughout his meetings and at the

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press conference concluding his visit stressed that the U.S. would not take sides in the election except to support strongly a free and fair democratic process. President Rajapaksa confidently boasted to A/S Blake that bookies were not taking bets on whether he would win but on his margin of victory. But this bluster masked an uncommon sense of unease and worry on the president's part. (NOTE: The triumphalism so evident in the immediate post-war period had already seriously eroded by fall in the face of hard economic and political realities, but General Fonseka's November 29 announcement of his candidacy dramatically altered the political landscape and for the first time has made the Rajapaksas worry that they could be defeated at the polls. As Tamil leader Sampanthan told us last week, a crack had appeared in the Sinhala-Buddhist edifice with both sides now competing for the country's future. This split amongst Sinhala voters has also sent both sides scrambling for allies and has given Tamils, in particular, new-found political leverage (as long as they are able to unite). END NOTE.)

14. (C) The president sounded dismissive of the importance of the Tamil vote, telling A/S Blake "if the minorities want the general, let them vote for him." But the president's brother (and main campaign strategist) Basil underscored the strategic significance the president's campaign was placing on wooing Tamils. Basil said the president's focus had shifted from winning the hearts of the people in the south (predominantly Sinhala) to winning the hearts of the Tamil people and that he wanted to be remembered as the leader who unified the country. Though unstated explicitly, it appeared that the Rajapaksas were calculating that they could win Tamil political support through reconstruction and development in the north (which UK High Commissioner Peter Hayes told A/S Blake he also saw as their objective). Confidently, Basil suggested that after the president won in January, he would dissolve parliament and move quickly to early general elections, followed by local elections, including in the north. Provincial elections would come "later in the year." For his part, TNA leader Sampanthan said he was urging Tamils to keep their options open at this point and not commit publicly to either candidate as a way to

maximize Tamil leverage for as long as possible. At the same time, however, Sampanthan expressed great dissatisfaction with the Rajapaksas, noting that they appeared uninterested in any real change in their policies or direction.

15. (C) The opposition representatives avoided some of the tough questions on their campaign and candidate, such as when the executive presidency would be abolished, what Fonseka's subsequent role would be, what role the leftist-nationalist JVP would have in the UNF campaign and government, or specifics on future policies if elected. They focused instead on election fraud by the government and ticked off a broad range of complaints. They accused the government of using every resource at its disposal against them, including state media, denying travel access to the North, security provisions for Gen. Fonseka, and bullying of the elections commissioner to prevent the naming of an elections commission. (They were trying to file a court case to force this.) SLFP(M) leader Mangala Samaraweera predicted this would be the most undemocratic election in Sri Lankan history and also expected a high level of violence from the government. All in the group agreed that fraud would be more overt in the North and there would be more subtle pressure on voters in the rest of the country. On the question of Tamil support for Fonseka, Mano Ganeshan justified his support by saying he took time to consider it, but in the end he realized the war was over now, and he was working to convince his supporters that this was the best route. Mangala said whatever progress made in returning IDPs home was because

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Fonseka forced the government's hand by running for election.

Because of Fonseka's candidacy, the president was now out on the campaign trail kissing Tamil babies.

RECONCILIATION AND ACCOUNTABILITY

16. (C) A/S Blake expressed both publicly and privately the need for steps to ensure political reconciliation and accountability for abuses, including possible crimes committed during the war. In meetings with GSL leaders, he asked what steps the government was taking to address reconciliation and accountability, noted that he was often asked about this on Capital Hill, and said the U.S. was looking to the GSL to meet its obligations in this regard. He suggested that a truth and reconciliation commission or other similar model might be useful and offered that the U.S. could provide a list of possible approaches, if that would be useful. On accountability for crimes committed during the war, it appeared, however, that the government had given little serious thought to the matter. The president had formed a committee of eminent legal experts to examine the report and provide its findings by the end of the year. One committee member, Jezzima Ismail, told Blake that the committee started late but was now meeting frequently to meet its deadline. For his part, Tamil leader Sampanthan believed accountability was important, but he also was realistic about the dim prospects for the Rajapaksa government to take it up. Granting that there were really no historical examples of a sitting government anywhere in the world undertaking wholesale investigations of its own troops or leaders for war atrocities, Sampanthan nevertheless said it was important to the health of the nation to get the truth out. While he would not discuss "war crimes" per se in parliament for fear of retaliation, he would emphasize the importance of people knowing the truth about what happened during the war. Blake urged Sampanthan to think carefully about what accountability/reconciliation model he and other Tamils would support to ensure national healing to help guide U.S. thinking on this important matter.

17. (C) On national reconciliation, it was clear that the Rajapaksa government did not intend to address the question directly but to work towards it through economic reconstruction and re-development. According to Basil, the

best thing the GSL could do in this regard was to bring the north up to a "normal" level with other provinces so its citizens could "work free, think free, live free." A/S Blake agreed this was a worthy goal but also encouraged Basil and the other leaders to give thought to reconciliation and accountability, something that would be credible to the Tamil population. Justice Minister Moragoda was enthused about a "Northern Justice Initiative," which would entail such projects as rehabilitating Jaffna University to attract and retain Tamil students and a program to train -- with UNDP assistance -- Tamil-speaking justices, lawyers, and other legal officials. He asked for assistance from A/S Blake, who promised to take it up with the Tamil diaspora in the U.S. The opposition stuck to their standard talking points on reconciliation, noting the importance of the implementation of the 17th Amendment, a review of the Emergency Regulations, and a freedom-of-information act that would allow access to government information. For Sampanthan, reconciliation mostly meant decentralization along the lines of the 13th Amendment, and he suggested that the immediately forthcoming visit to India of Basil, Gotabhaya Rajapaksa, and Presidential Secretary Lalith Weeratunga might be related to the decentralization issue, given the Indians' historical connection to the 13th Amendment.

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18. (C) The best ideas on the obstacles and way-forward on reconciliation came from a diverse group of pro-government and opposition-leaning journalists, religious leaders, and civic activists, with whom A/S Blake met on the evening just before his departure. The current obstacles to reconciliation included: the lack of trust between the ethnic communities within Sri Lanka and on the part of the population toward the government; the entrenched division of ethnic communities; and, most importantly, the lack of GSL leadership in making reconciliation a priority. They suggested these obstacles could be addressed through: investment in the private sector, specifically from the Tamil diaspora; reforms to the educational system both to increase the standards of education and to pluralize the system; engagement with key groups, such as young people and religious leaders; and the creation of a national dialogue on unity. On the latter, A/S Blake proposed an Internet campaign undertaken by a private organization to interview prominent Sri Lankan opinion-makers from all walks of life for 15- or 30-second public service-type announcements on what they would do individually and specifically to foster reconciliation in society. Such a campaign, A/S Blake argued, could create grass-roots excitement and energy about the issue and push the government from its current state of inertia.

HUMAN RIGHTS AND PRESS FREEDOM

19. (C) A/S Blake advocated strongly for GSL action to improve its record on human rights, stressing that unblocking military assistance would require improvements. He explained that progress on human rights would show that Sri Lankan society was becoming normalized and urged the GSL to lift its Emergency Regulations to show that civilian leadership was in charge. (NOTE: The parliament voted that very afternoon to extend the Emergency Regulations for another month. END NOTE.) President Rajapaksa reacted angrily to the suggestion of lifting the regulations, arguing that LTTE suicide cadres were still being arrested every day and that to lift the regulations would be irresponsible. Basil suggested that the GSL's Emergency Regulations were less strict than the U.S. Patriot Act -- to which A/S Blake and Charge Fowler retorted that that was not true. Basil at his separate meeting with A/S Blake also claimed that lifting the regulations had nothing to do with switching authority from the military to civilians since "the military leadership IS the president." But he later told Blake that the government would soon relax the Emergency Regulations. In the opposition meeting, UNP

deputy head Jayasuriya complained about problems of media freedom and attacks on journalists. Other opposition figures focused on the use of the government media by the president and intimidation of those members of the press who criticized the GSL. All denied government and press allegations that the UNF coalition was responsible for the attack on an ITN state television crew at an opposition rally several days ago that had prompted state television to announce that it could no longer cover UNF rallies because they were too dangerous. (NOTE: Whether UNF supporters were responsible for the attack, it is a blatant partisan mis-use of state media to refuse to cover the opposition because of one incident. END NOTE.)

¶10. (C) A/S Blake also raised directly with Basil and Minister of Justice Moragoda the question of imprisoned journalist Tissainayagam, suggesting that finding a way to pardon or release him would have a big impact on the international community. Basil claimed that he was working on the problem but also said that it was "politically disadvantageous" at this point to grant a pardon, though he

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held out the possibility that the president might still do so. As for bail, Basil appeared confused about the legal process, arguing that Tissainayagam would immediately get bail if he were to file an appeal. (NOTE: Tissainayagam filed an appeal of his sentence shortly after the conviction in August. The president and others have argued that he could not be granted a pardon until he exhausted the appeal process, which we believe is not true -- Tissainayagam could withdraw his appeal at any time, if the president were to signal his willingness to grant a pardon. On bail, our understanding is that bail could be granted at any time and was not connected to the appeals process. The next bail hearing is scheduled for December 16, and the judges have ordered the Attorney General's office to be present at that hearing to render its opinion on the bail request. END NOTE.) Moragoda mostly danced around the issue, avoiding any commitment to help, but he did note that Gotabhaya Rajapaksa -- who is thought to be the force behind the persecution of Tissainayagam -- had "eased off a lot" and now had agreed to bail.

IOM/ICRC -- with Emphasis on Ex-Combatants

¶11. (C) A/S Blake raised the questions of the ICRC mandate and access to ex-combatants with FM Bogollagama, Minister of Justice Moragoda, and Basil Rajapaksa. Moragoda claimed that the problem of the ICRC mandate and access to the ex-combatants had shifted from Gotabhaya to Basil. In raising the issue with the latter, A/S Blake asked Basil to confirm that the GSL's objective for the ex-combatants was to train and release them, not to detain them indefinitely, and Basil affirmed that was correct. Basil claimed the GSL was not bringing charges against the ex-combatants because to do so would mean that they would forever have to mark on any employment forms that they had been charged or prosecuted. A/S Blake noted that Gotabhaya had thought that the ICRC wanted to take over the IOM program for the ex-combatants, but that was not the case. Rather, the IOM was doing fine running the program and the ICRC just wanted periodic access, pursuant to its protection mandate. A/S Blake pointed out that because the U.S. was funding the IOM program, he had to be able to affirm to Congress that the standards under which the ex-combatants were being held were adequate, and that required ICRC visitations. Basil responded that the ICRC came to the island in 1972 under a conflict charter and now the conflict was over. He said the GSL was not re-negotiating the ICRC mandate -- that the Sri Lankan Red Cross was totally against the ICRC doing development and reconstruction programs. He asserted that the International Red Cross charter said that organizations that came to a country in response to a natural disaster had to come through the national Red Cross. He asserted that the ICRC was doing

livelihood programs including building houses, and was getting money from donors, including the United States. He repeated that the ICRC could not do development activities, that organizations such as World Vision and Oxfam were the experts. A/S Blake replied that he thought Basil's information was incorrect, that the ICRC was not interested in doing development programs but rather was asking for a renewal of its protection mandate. A/S Blake also pushed for access for INGOs and NGOs in to the north, noting that the assistance they had provided in the east had been a tremendous help in the development and reconstruction of that region. Basil suggested that INGOs and NGOs would be able to work in the north in conjunction with a local partner.

BUTENIS